

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

JEFFREY G. CORLE on behalf of
himself and similarly situated,

PLAINTIFFS

VS.

ESTATE PLANNING AND PRESERVATION
INC., DAWN-MARIE JOSEPH, JOSEPH &
ASSOCIATES P.C., PAUL T. JOSEPH,
AMANDA L. KLAISS, JEFFREY D.
STEFFENS, and ROBERT W. PICEC,

DEFENDANTS

CAUSE NO. 1:11-CV-226-RLM-RBC

ORDER

This matter is before the court on a Stipulation of Dismissal Without Prejudice filed jointly by plaintiff Jeffrey G. Corle and defendants Estate Planning and Preservation Inc., Dawn-Marie Joseph, Joseph & Associates P.C., Paul T. Joseph, and Amanda L. Klaiss. The court interprets the stipulation for dismissal as a motion for dismissal because not all parties who have appeared join the stipulation. See Fed. R. Civ. P. 41(a)(1)(A)(ii) (requiring all parties to stipulate in order to dismiss without a court order).

FEDERAL RULE OF CIVIL PROCEDURE 41(a)(2) allows the court to dismiss an action on terms the court considers proper. The stipulation indicates that defendant Robert W. Picec, who appeared *pro se* has not responded to the other parties' requested dismissal (sent nearly two months earlier) and defendant Jeffrey D. Steffens has not appeared at all. In sum, the plaintiff and five

defendants join in the dismissal, one defendant who appeared *pro se* has not responded but has been given ample time to weigh in, and one defendant has not appeared. It appears that dismissal without prejudice is an adequate remedy.

The dismissal (Doc. No. 49) is GRANTED and the matter is DISMISSED without prejudice. The pending motion to dismiss for failure to state a claim (Doc. No. 47) is DENIED as moot. All pending dates and deadlines are VACATED.

SO ORDERED.

ENTERED: July 9, 2012

_____/s/ Robert L. Miller, Jr.
Judge
United States District Court